PLANNING AND ZONING COMMISSION MINUTES GENERAL MEETING November 4, 2003

PLACE: Room 206 TIME: 8:00 P.M.

Town Hall

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING: Damanti, Spain, Forman, Conze, Bigelow. Mr. Kenny arrived at 8:26 p.m.

STAFF ATTENDING: Ginsberg, Keating

Also in attendance were Carol Gould and Jeff Bolton of Fitzgerald & Halliday, Inc. and EPC members Nina Miller and Susan Cameron and EPC Staff Nancy Sarner.

Chairman Damanti read the first agenda item:

Discussion of 2005 Town Plan of Conservation & Development

Discussion regarding the first draft of the second part the Environmental Resources Chapter. A brief presentation will be made by representatives from Fitzgerald & Halliday, Inc., the consultant who is assisting the Commission with this Chapter.

Everyone discussed the second draft of the Environmental Resources Chapter. It was noted that this draft is a great improvement over the first draft because it includes a much more detailed Appendix and Glossary and makes reference to web sites for further information. Commission members agreed that they will have a difficult time of whittling down the draft to contain only the most pertinent information and recommendations while still including the necessary explanations and support data. This is a philosophical and editorial issue the Commission will continue to work on.

EPC members Nina Miller and Sue Cameron commented on changes and recommendations that would help clarify the need for strengthened environmental protections. Invasive species of plants are included in the chapter. The issue is the level of detail that should be included in the Town Plan.

Gwynne Grimes of the Planning Zoning & Housing Committee of the RTM said that one possibility would be that the Planning & Zoning Commission would make a recommendation to private homeowners associations regarding the need for detailed plans for the maintenance of their private streets and drainage systems.

The recommendations contained within the draft were discussed. Carol Gould explained that this is a menu of possible recommendations and that they have not prioritized the recommendations for the Commission. It was noted that some of the recommendations will be of high priority because they are required by state statutes and other recommendations, although involving state statutes, will be of lower priority.

Mr. Kenny arrived at 8:26 p.m.

Mr. Conze noted that he does not want to see the Plan of Conservation and Development recommend more strict environmental regulations if the impact will be to create more time delays and over regulation of properties. He wants to avoid a taking issue where property owners feel that their rights have been taken away. Commission members also noted that they need to avoid conflicting signals within the Plan of Conservation and Development. Although this chapter deals with environmental resources, other chapters will deal with transportation issues and business issues. The Commission needs to coordinate all of the recommendations so that there is no conflicting information.

Prioritizing the recommendations was discussed. Carol Gould said they deliberately did not prioritize the recommendations because she felt that that would be more appropriate for the Commission to do. The Commission asked that the consultants provide a prioritized list of recommendations that the Commission can then work through and rearrange where necessary. Carol Gould said that recommendations in the draft that follow by an asterisk refer to places where sample language is provided. She said that she will work on prioritizing the recommendations into high, medium and low priority items.

At the conclusion of the discussion regarding the Town Plan of Conservation and Development, there was a brief recess at 9:22 p.m. The meeting was resumed at 9:24 p.m. Chairman Damanti read the following agenda item:

Amendment to Special Permit Application #125-B, Darien Youth Commission, 2 Renshaw Road.

Request to use Town Hall for summer camp from 2004-2009.

Director of Planning Jeremy Ginsberg said that the Youth Commission has requested the use of the Town Hall site for summer camp for the next five years. He said that there have been no traffic or safety problems experienced in the operation of the camp over the past years and the camp operations are to follow the same format as in past years. The Commission members reviewed the Memorandum dated 10/6/2003. An oral motion was made: that the Commission approve the amendment of the Special Permit to allow the summer camp during the next five years in accordance with the request. The motion was made by Mr. Conze, seconded by Mr. Kenny and unanimously approved.

Chairman Damanti read the following agenda item:

Special Permit Application #66-I, Darien YMCA, 2420 Boston Post Road.

Proposed modification of 2003 Special Events Schedule.

Mr. Ginsberg reviewed the October 22, 2003 letter from Patrick Morrissey, Executive Director of the YMCA requesting one small change in the 2003 Special Events Calendar. He said that the 2004 Schedule is being formulated and will be submitted for the Commission's review in the near future. After a brief discussion, the following motion was made: that the Commission approve the request to modify the 2003 Schedule of Special Events. The motion was made by Mr. Bigelow, seconded Mr. Spain and unanimously approved.

Chairman Damanti read the following agenda item:

Business Site Plan #90-K, Pear Partners, LLC, 1077 Boston Post Road. Proposing to renovate and to construct additions and alterations to the existing building and perform related site development activities.

Mr. Damanti summarized the project which involves reducing the amount of space in the building used for the theatre operation, expanding the ground floor of the building to accommodate 3,000 square feet of retail space, converting the Boston Post Road side of the floor to retail space, utilizing the second floor of the building for a beauty salon/spa type of operation, and utilizing an agreement with the Board of Selectmen for use of municipal parking areas during peak business times to accommodate the parking demand to be created by the use. He said that the applicants' traffic report indicates that there will be some potential for parking problems on Saturdays and at other times and that arrangements have been made to accommodate the parking needs.

Commission members expressed their feelings about the proposal. In general everyone felt that the proposal was a good renovation plan but expressed some concerns about the parking, unloading area for vehicles, and potential changes of use. At the conclusion of the discussion, the Commission members asked the staff to draft a resolution to approve the project subject to a number of conditions and stipulations. Action on the application will not be taken until the draft resolution can be reviewed and discussed. Most likely the matter will be acted on at the November 18th meeting.

It was noted that details of the Parking License Agreement with the Board of Selectmen will need to be finalized by the applicant.

Chairman Damanti read the following agenda item:

Special Permit Application #22-N, Coastal Site Plan Review #27-C, Flood Damage Prevention Application #20-C, Tokeneke Club, 4 Tokeneke Beach Drive. Proposing to modify and construct improvements to the existing clubhouse and perform related site development activities within regulated areas.

Peter Bigelow, Fred Conze and Joseph Spain did not participate in the discussion because they are members of the Club and they wish to avoid any appearance of conflict of interest. Mrs. Forman said that she believed that the minor alterations and additions to the building were much needed and that there would be no change of use of the facility and no reason not to approve the project. Mr. Kenny said that a better design for the needed additional club space could be proposed and that such a proposal could avoid increasing the building coverage. He said that the applicant has not fully explored all the alternatives and therefore he is not in favor of the proposal. Mr. Damanti said that he recognizes that the concrete and steel reinforced structure cannot be easily altered and that the proposed addition seemed to be the logical solution to the code compliance issues that the Club must address. He believed that the Commission should approve the project.

The 3 Commission members instructed the staff to draft a resolution for approval of the project subject to a number of conditions and stipulations. Action on the matter will not be taken until the meeting of November 18th.

Chairman Damanti read the following agenda item:

Amendment to Zoning Map, Robert & Suzanne Cottle, 154 Christie Hill Road. Proposing to amend the Darien Zoning Map by moving the boundary between the R-1 and R-2 zones in the vicinity of Christie Hill Road and Halter Lane. The subject property is located on the south side of Christie Hill Road approximately 500 feet west of its intersection with Hollow Tree Ridge Road and is shown on Tax Assessor's Map #28 as Lot #27, R-2 & R-1 Zones.

All the Commission members noted that they had received the draft resolution prior to the meeting and that they had an opportunity to review the draft. The following motion was made: that the Commission waive the process of reading the entire draft resolution aloud because each member has had an opportunity to review the draft prior to the meeting. The motion was made by Mr. Conze, seconded by Mrs. Forman and unanimously approved.

There were several typographical errors that were corrected by mutual agreement. The following motion was then made: that the Commission adopt the following resolution to deny the zone change application. That motion was made by Mr. Spain, seconded by Mr. Bigelow and unanimously approved.

PLANNING AND ZONING COMMISSION ADOPTED RESOLUTION November 4, 2003

Application Number: Proposed Amendment to Official Zoning Map

Tax Assessor's Map #28 Lot #27 Street Address: 154 Christie Hill Road

Name and Address of Property Owner: Dr. Robert & Suzanne Cottle

154 Christie Hill Road Darien, CT 06820

Name of Applicant & Applicant's Representative: Robert F. Maslan, Jr., Esq.

Rucci, Burnham, Carta & Edelberg, LLP

P. O. Box 1107 Darien, CT 06820

Activity Being Applied For: Proposal to amend the Darien Zoning Map by moving the boundary between the R-1 and R-2 Zones in the vicinity of Christie Hill Road and Halter Lane.

Property Location: The subject property is located on the south side of Christie Hill Road approximately 500 feet west of its intersection with Hollow Tree Ridge Road.

Zone: R-2 and R-1 (Residential) Zones

Date of Public Hearing: September 16, 2003

Time and Place: 8:00 P.M. Room 206 Darien Town Hall

Publication of Hearing Notices

Dates: September 4, 2003 & September 11, 2003 Newspaper: Darien News-Review

Date of Action: November 4, 2003 Action: DENIED

Scheduled Date of Publication of Action: Newspaper: Darien News-Review

November 13, 2003

The Commission has conducted its review and findings on the bases that:

- 1. The 4.4557+/- acre property contains one single-family residence and swimming pool. Slightly more than 57% of the property (the eastern portion of the property) is within the R-2 Zone which has a two acre minimum lot size, and approximately 43% of the subject property is in the R-1 zone (the western portion of the property) where one acre is required for each building lot. The zone boundary between the R-1 and R-2 districts is 500' to the west of the right of way of Hollow Tree Ridge Road, and splits the lot almost exactly down the middle. There are wetlands on the southern portion of the property and a very small pocket of wetlands on the easterly portion of the site. The applicant proposes to amend the Darien Zoning Map by moving the boundary between the R-1 and R-2 Zones to coincide with the eastern property line of the subject property. This would place the entire property within the R-1 Zone.
- 2. The applicant noted at the hearing that the split-zone situation of this property dates to at least 1954, and it was mentioned by neighbors that the zoning has not changed since the current owner has purchased the property.
- 3. In March 2003, the Darien Planning and Zoning Commission amended the 1995 Town Plan of Development. That amendment added wording to the Plan which states in part,
 - "However, some residential district boundaries follow streets rather than rear lot lines, split lots between different districts, or do not appropriately reflect existing lot sizes. In large measure, this is due to those lines having been established as measurements back from a street centerline or right-of-way, before a Town lot line base map existed. It is recommended that these residential zoning district boundaries be carefully reviewed for possible adjustment."

It should be emphasized that the Plan states that the boundaries be "carefully reviewed". Thus, there is no mandate or requirement in the Town Plan that such instances, where they occur within Town, be changed.

- 4. At the public hearing on this matter, it was noted that properties to the south, east and west of the subject property on Wee Burn Lane, Hollow Tree Ridge Road, and Christie Hill Road, range in size from 2.22 acres to 4.75 acres, and properties to the north (across Christie Hill Road) range in size from 1.03 to 1.50 acres.
- 5. Commission members believe that zoning is best reviewed on a comprehensive or neighborhood-wide basis, rather than on a lot-by-lot basis. Reviews which are done lot-by-lot may result in spot zoning, or analyses which do not take into consideration the entire

neighborhood. In this case, a number of lots in the immediate area are split-zoned, and the Commission and the Town are best served by doing a comprehensive review of the entire area.

- 6. Because the lot is nearly split in half between the R-2 and R-1 zones, Commission members agree that it might be just as valid to rezone the entire property to be R-2 zoning, rather than to be R-1 Zoning. The same arguments can be made for it (eg. It eliminates the existing split-zoning situation), and the resulting lots in any future subdivision of the property would likely be of similar size to those to the east of it (between 2.2 and 2.8 acres).
- 7. Thus, since there is just as much validity to rezoning the property from its current split zoning to be entirely R-2, as there is to rezone it to be entirely R-1, and because a more logical proposal would be to review the entire area in question for any possible adjustment, and because the Commission has carefully reviewed this boundary for possible adjustment per the 1995 Town Plan as recently amended in 2003, the Commission hereby denies the subject application to rezone the property as proposed by the applicant. The current zone boundary line will, for the time being, remain unchanged.

Chairman Damanti read the following agenda item:

Amendment to Zoning Map, Planning & Zoning Commission, Five Mile River Road area. Proposing to amend the Darien Zoning Map by adjusting the zone boundary between the R-1/2 and R-1 Zones in the area near Five Mile River Road. This affects a number of properties shown on Tax Assessor's Maps #66 and #67 on Five Mile River Road, Old Farm Road, Berry Lane, Searles Road, Indian Trail, Davis Lane, and Edgehill Drive.

Mr. Conze said that in this case, the proposed amendment of the zoning map would adversely affect a number of property owners and he felt that it should not be adopted. Mrs. Forman said that the rationale for changing the map is just not there. Mr. Spain reminded the Commission that the proposal to amend the map was a result of the previous discussions regarding the correction of an obvious error when the mapping was changed from a manually produced graphic to a GIS (computer generated) graphic. After the Commission clarified the location of the zone line and concluded that it was parallel to the street right-of-way, the Commission asked the staff to produce this proposed zone change which would have the zone boundary line coincide with property lines wherever practical.

Commission members noted that the amendment to the Town Plan of Development calls for careful review for possible adjustment of these lines and that there does not appear to be a compelling reason to change the location of the zone boundary line in this case. Everyone agreed that some people like the existing zone line location and other people do not and some people would like the line to be relocated and other people would not.

The Commission unanimously decided to drop the matter (withdraw the application) and to leave the zoning map in its current form. The proposal to rezone much of the boundary line in the Five Mile River Road area will not be adopted.

Chairman Damanti read the following agenda item:

<u>Subdivision Application #603, David & Sabina Harris, 1749 Boston Post Road</u>. Proposing to subdivide the existing 2.004 acre property into three lots and an open space parcel and perform related site development activities. The subject property is located on the north side of Boston Post Road, approximately 700 feet west of its intersection of Renshaw Road, and is shown on Tax Assessor's Map #41, as Lots #5 and #6 in the R-1/3 Zone.

The following motion was made: that since each member of the Commission has received a copy of the draft resolution prior to the meeting and had an opportunity to review the draft resolution, that the Commission should waive the process of reading the entire resolution out loud. The motion was made by Mr. Bigelow, seconded by Mrs. Forman and unanimously approved. After a brief discussion, the following motion was made: that the Commission adopt the following resolution to approve the three lot subdivision subject to the conditions as noted in the resolution:

PLANNING AND ZONING COMMISSION ADOPTED RESOLUTION November 4, 2003

Application Number: Subdivision Application #603

Tax Assessor's Map #41 Lots #5 and #6

Name and Address of Property Owner: David & Sabina Harris
And Applicant: 1749 Boston Post Road

Description: Office (2002)

Darien, CT 06820

Name and Address of Applicant's Representative: William W. Seymour & Associates

170 Noroton Avenue Darien, CT 06820

Activity Being Applied For: Proposing to subdivide the existing 1.964 acre property into three lots and an open space parcel and perform related site development activities.

Property Location: The subject property is located on the north side of Boston Post Road, approximately 700 feet west of its intersection of Renshaw Road.

Zone: R-1/3 Zone

Date of Public Hearing: September 23, 2003 continued to October 28, 2003

Time and Place: 8:00pm Room 206 Darien Town Hall

Publication of Hearing Notices

Dates: September 11 & 18, 2003 Newspaper: Darien News-Review

October 16 & 23, 2003

Date of Action: November 4, 2003 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: Newspaper: Darien News-Review November 13, 2003

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Section 400 of the Darien Zoning Regulations and all sections of the Subdivision Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted subdivison plans, and the testimony contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

- 1. The subject parcel is 1.964+/- acres. There are currently two houses on the lot, and the plan is to subdivide the property so that there will be a total of three building lots and an open space area. Lots #2 and #3 will share a driveway, and Lot 1 will use the existing driveway at the southwesternmost part of the site. Each of the lots will be served by Town water and sewer.
- 2. In order to receive input from the Environmental Protection Commission (EPC), the Planning and Zoning Commission continued the Public Hearing on this matter to October 28, 2003. This allowed the EPC approval of October 1, 2003 (EPC 76-2003) to be submitted for the record in this matter. That approval is hereby incorporated by reference.
- 3. The schematic residences shown on the Subdivision Site Plan for Lots #2 and #3 are for general planning purposes only, and are not meant to show a specific house design. The owners of the properties might construct houses and other structures according to the Zoning Regulations that are not the same size or in the same location as the conceptual site plan. It is possible that the existing house on Lot #2 will be turned into a barn, and a new house constructed on that lot.
- 4. A .201+/- acre open space piece of land along the northwestern portion of the property is being preserved as permanent undeveloped area. The open space parcel shall be owned by either: all of the owners of Lots #1, #2 and #3; or just one of those owners. It shall be subject to a restrictive covenant to permanently preserve it as open space.
- 5. The wetlands and the wooded area to the rear (west) of the property are not proposed to be developed or altered other than as allowed in the current EPC application (EPC #76-2003) and any future EPC application.

NOW THEREFORE BE IT RESOLVED that Subdivision Application #603 is hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The subdivision shall be in accordance with the following plans submitted to and reviewed by the Commission, as required to be modified herein:
 - Property Survey & Topographic Survey for Subdivision prepared for David Harris Sabina Harris, by William W. Seymour & Associates scale 1"=30", dated October 4, 2002 and last revised to August 27, 2003.
 - Subdivision Site Plan prepared for David Harris Sabina Harris 1749 Boston Post Road, scale 1"=30", by John R. Martucci, PE, dated July 14, 2003 and last revised 10/20/03.
 - Subdivision Notes & Details prepared for David Harris Sabina Harris 1749 Boston Post Road, scale 1"=30", by John R. Martucci, PE, dated July 14, 2003 and last revised 10/20/03.

The Subdivision Site Plan shall be modified to remove the note "Ex driveway and curb-cut to be removed", at the southwestern driveway (the driveway across from Old King's Highway North).

- B. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.
- C. Since there is no new road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond for road construction. As noted in the EPC approval, however, a bond has been required for the wetland planting plan.
- D. Prior to preparing the final mylar, lot numbers and street addresses shall be verified with the Tax Assessor. Those should be included on the final mylar for filing.
- E. In accordance with Article IV Section C 1-6 of the Darien Subdivision Regulations, the Open Space shall be subject to an Open Space Declaration that shall be filed in the Darien Land Records concurrent with the filing of the Subdivision Map. The open space parcel shall be owned by either: all of the owners of Lots #1, #2 and #3; or just one of those owners. It will be subject to a restrictive covenant to permanently preserve it as open space.
- F. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans noted in Item A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restablilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- G. This subdivision approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating

agency. Prior to commencing development activities involving the curb cut into Boston Post Road, the applicant shall obtain a curb cut approval from the Connecticut Department of Transportation, and shall provide a copy to the Commission.

H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the approval and/or permit as it deems appropriate.

All provisions and details of the plan, as required to be modified herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials (the Open Space Declaration and the final mylar with Lot numbers and street addresses), shall be completed and submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void.

The motion was made by Mrs. Forman, seconded by Mr. Kenny and unanimously approved.

Chairman Damanti read the following agenda item:

Flood Damage Prevention Application #151-C, Land Filling Application #109, James & Jodie Bishop, 22 Brush Island Road. Proposing to relocate septic system and construct a swimming pool with associated retaining walls and regrading and perform related site development activities within regulated areas. Subject property is located on the south side of Brush Island Road approximately 1000 feet west of its intersection with Nearwater Lane, and is shown on Tax Assessor's Map #56 as Lot #11 in the R-1 Zone.

The following motion was made: that since each member has had an opportunity to review the draft resolution prior to the meeting, that the Commission should waive the process of reading the entire resolution allowed. The motion was made by Mr. Bigelow, seconded by Mr. Kenny and unanimously approved. After a brief discussion, the following motion was made: that the Commission adopt the following resolution and approve the proposed plan for installation of the swimming pool and regrading of the site:

PLANNING AND ZONING COMMISSION ADOPTED RESOLUTION **November 4, 2003**

Application Number: Flood Damage Prevention Application #151-C

Land Filling Application #109

Tax Assessor's Map #56, Lot #11

Name and Address of Property Owner: James & Jodie Bishop And Applicant: 22 Brush Island Road

Darien, CT 06820

Activity Being Applied For: Proposing to relocate septic system and construct a swimming pool with associated retaining walls and regrading and perform related site development activities within regulated area.

Property Location: Subject property is located on the south side of Brush Island Road approximately 1000 feet west of its intersection with Nearwater Lane.

Zone: R-1

Date of Public Hearing: October 28, 2003

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 16 & 23, 2003 Newspaper: Darien News-Review

Date of Action: November 4, 2003 Action: FLOOD APPLICATION GRANTED

WITH STIPULATIONS, LAND FILLING

APPLICATION APPROVED WITH CONDITIONS

Newspaper: Darien News-Review

Scheduled Date of Publication of Action:

November 13, 2003

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 820 and 850 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

- 1. This application proposes to relocate the septic system and construct a swimming pool with associated retaining walls and regrading and perform related site development activities within regulated area, and is comprised of two parts: 1) a flood damage prevention application under Section 820 of the Darien Zoning Regulations; and 2) a land filling application under Section 850 of the Darien Zoning Regulations.
- 2. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

- 3. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
- 4. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties and, therefore, this proposal is consistent with the need to minimize flood damage.
- 5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #151-C and Land Filling and Regrading Application #109 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans entitled:
 - Schematic Site Plan, James & Jodie Bishop, by CH2K, scale as noted, dated 9-11-03, Sheets A-1, A-2.
 - o James & Jodie Bishop, by CH2K, scale as noted, dated 9-12-03
 - Sheet S-1.1 Foundation Plan Pool Area—last revised 10/22/02
 - Sheet S-1.2 Foundation Plan Raised Terrace
 - Sheet S-1.3 Foundation Plan Front Driveway and Entry
 - Sheet S-8 Structural Sections Site Improvements
 - Sheet S-9 Structural Sections Swimming Pool
 - o James & Jodie Bishop, Jr., Proposed Sewage Disposal System Plan, by Grumman Engineering, LLC, last revised 9-10-03.
- B. Once the pool has been installed, the applicant shall submit an 'as built' survey to verify compliance with the setback requirements and surface elevation requirements of the regulations and this approval. Once the pool and retaining wall have been built, and prior to the request for a Certificate of Zoning Compliance, the applicant shall submit verification from the project engineer that all aspects of the construction and regrading have been completed in compliance with the flood damage prevention regulations.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restablilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. Due to the minor nature of the project, the provision of a Performance Bond is hereby waived.

- E. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, final approval for the relocation of the septic system from the Darien Health Department.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right to modify, suspend, or revoke the permit as it deems appropriate.
- G. This permit shall be subject to the provisions of Section 829f of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation of the approved plan within one year of this action (November 3, 2004). This may be extended as per Section 829f.

All provisions and details of the plan, as approved, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

The motion was made by Mr. Spain, seconded by Mrs. Forman and unanimously approved.

There being no further business, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

David J. Keating Assistant Director of Planning

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